

REMARKS

This Response is in reply to the Office Action mailed on October 20, 2006. Claims 1-14, 16, 21, 41-43, 54-56, 62-64, and 66-70 were previously cancelled. Claims 15, 17-20, 27-30, 36-40, 44-47, 51-53, 57-61, and 72-86 were previously withdrawn from further consideration, without prejudice. Claims 22-26, 31-35, 48-50, 65, 71, and 87 are pending and claims 22 and 71 have been amended herein. No new matter has been added. Entry and consideration of the amendments and following remarks is respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicant appreciates Examiner's indication in the previous office action that claims 24-26, 31-35, 48-50, and 65 contain allowable subject matter. Applicant further appreciates Examiner's indication that claims 22 and 71 would be distinguishable over the prior art by including the recitation that the stent capturing means is also located "proximal to the thermal transfer device." Both independent claims were amended to include this recitation and accordingly are patentable over the cited references.

REJECTION UNDER 35 U.S.C. §102(b)

Claim 71 stands rejected under 35 U.S.C. §102(b) as anticipated by U.S. pat. no. 6,623,519 to Edwin et al. (hereinafter "Edwin"). Amended claim 71 is not anticipated by Edwin. Claim 71, as currently amended, recites the limitation that the apparatus also include a stent-capturing means situated at the distal end region of the catheter assembly and proximal to the thermal transfer device for releasably capturing the stent during deployment, retrieval and/or

repositioning. Edwin shows no such stent-capturing means. Accordingly, the rejection has been overcome and should be withdrawn.

REJECTION UNDER 35 U.S.C. § 103(a)

Claims 22 and 23 stand rejected under 35 U.S.C. §103(a) as obvious over U.S. pat. no. 5,902,268 to Saab (hereinafter “Saab”) in view of Edwin. It is respectfully submitted that claim 22, as currently amended, is patentable over Saab in view of Edwin.

Independent claim 22 now recites the limitation that the apparatus also include a stent-capturing means situated at the distal end region of the catheter assembly and proximal to the thermal transfer device for releasably capturing the stent during deployment, retrieval and/or repositioning. Neither Saab nor Edwin, either alone or in combination, teach or suggest a stent-capturing means. Accordingly, the rejection has been overcome and should be withdrawn. By reason of its dependency from claim 22, it is respectfully submitted that claim 23 is also allowable.

NON STATUTORY DOUBLE PATENTING REJECTION

Claims 22, 24-26, 31, 33-35, 48-50, 65, 71, and 87 stand rejected on the ground of non-statutory obviousness-type double patenting over U.S. patent no. 6,676,692. A terminal disclaimer is being filed along with this response to overcome said rejection.

CONCLUSION

In view of the amendments to claims 22, and 71 made herein and the arguments presented above, it is submitted that the Examiner's rejections have been overcome and should be withdrawn. The application should now be in condition for allowance.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

This Response is being filed with a petition for a two-month extension of time and the required fee. In the event that any other extensions and/or fees are required for the entry of this Amendment, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 23-2820 in the name of Wolf, Block, Schorr & Solis-Cohen LLP. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
WOLF, BLOCK, SCHORR & SOLIS-COHEN
LLP.

By: 
Noam R. Pollack
Reg. No. 56,829

Wolf, Block, Schorr & Solis-Cohen LLP
250 Park Avenue, 10th Floor
New York, New York 10177
(212) 986-1116